

Jury Committee
Judicial Conference of Indiana

January 23, 2004
Minutes

1. Members present. The following members of the committee were present: Craig Bobay, Shelia Carlisle, Jeffrey Heffelfinger, Mark McIntosh, John Pera, Michael Peyton, Ken Scheibenberger, and Ernest Yelton, Chair
2. Staff present. Michelle C. Goodman and Tom Carusillo provided the committee with staff assistance.
3. Guests. The following guest was present: Steve Key, Hoosier State Press Association.
4. Minutes. The Committee approved the minutes from November 7, 2003.
5. Jury Orientation: Judge Yelton reported to the Committee that the Board of Directors unanimously approved the Indiana Jury Orientation Video for use and the video was shown during the December Conference. The feedback has been very positive, but some have mentioned that it is still lengthy. Michelle reported to the Committee that about half of the judges have requested the video and that the video has been posted on the webcast page, the Jury Committee web page, and the Courts in the Classroom web page. The Committee asked Michelle to email the judges to remind them the video is still available at no cost and that it is available now on the Internet.

Judge Scheibenberger reported to the Committee that the sub-committee did meet by conference call to review the minimum orientation standards. After discussing the standards in light that the videos are optional methods of conducting orientation, the sub-committee determined that no substantive changes need to be made to the standards at this time. Judge Yelton asked the sub-committee to look into creating local trailers for the video and possible funding sources.
6. Jury Pool: Judge Yelton reported the grant application that was filed for the Jury Pool Project was not considered at the December Criminal Justice Institute meeting. We believe it will be considered at the March meeting. Judge Yelton also reported to the Committee that on Thursday he spoke with Todd Rokita, Secretary of State, regarding our need for the voter registration list and learned that the Secretary of State's Office has a federal grant to create a state wide voter registration list and compare the information to BMV records. Judge Pera will meet with Joe McLain at the Secretary of State's Office this afternoon to learn more about this project. Judge Scheibenberger noted that problems still exist with those who have moved or are deceased being on these lists. Michelle reported that the DOR has sent us a file format for transmitting the needed data and it is currently being reviewed by JTAC.
7. Jury Rule 10 & the media: Judge Yelton introduced Steve Key from the Hoosier Press Association to discuss concerns raised by the media regarding Jury Rule 10 on Juror Safety and Privacy. The main issues raised dealt with whether Rule 10 hinders the ability of the public and press probe into the system to evaluate the system (i.e. examining that deferrals are not abused (Rule 8 – documentation required), examining demographics of the jury pool

versus the community, etc.) and the ability to contact juror after completing service, especially in higher profile cases. In discussing these issues, the Committee indicated that reporters could attend court sessions just like the public and gather information released in open court and that most jurors are relieved to know their information is confidential. The Committee determined that the general rule is that personal information (including juror questionnaires), not released in open court, is confidential and that the ultimate test of the rule would come from the Supreme Court. The Committee indicated that there are issues here that still need to be debated concerning the overall examination of the system and how to balance the different interests involved with these issues. Steve Key said he would work with the media to develop a proposal for resolving these issues and possible practical solutions. Judge Yelton suggested reviewing the process under Administrative Rule 9 for entities to gain access to confidential information and the statutes in the juvenile code regarding confidentiality for additional guidance in trying to resolve these issues. Steve Key said he would contact Judge Yelton when a proposal was ready for review.

8. Legislative Update: The Committee received copies of bills introduced this session relating to juries. Judge Yelton gave the Committee an overview of SB 190 (Jury Exemptions) and SB 416 (Model Jury Legislation-Juror Patriotism Act). The Committee discussed the provisions of the model legislation. The Committee disliked the criminal penalty provisions for those jurors who do not response. The Committee did like the provisions concerning protections for employees who participate in jury service and the 24-month exemption for those who have completed jury service rather than the one-year exemption. The Committee agreed that the employee protections would need to be accomplished by legislation and that the Committee would discuss a rule amendment to increase the exemption for those who have completed service from one year to 24 months. Michelle was asked to prepare rule amendment language on this issue.

The Committee also discussed the deferrals provisions based on the discussions which have taken place during the Committee hearings on SB190. The Committee discussed easing the burden on jurors regarding deferrals, but did not want to carve out specific exceptions to this rule. Michelle was asked to prepare rule amendment language on this issue.

Finally, the Committee discussed when a prospective juror completes service under the one-day one trial system. The issue is whether the key for completing service is one trip to the courthouse or actually going to a courtroom and receiving an oath. The Committee thought that the intent of the rule was to only inconvenience the juror one time regardless if they went to the courtroom or not. Michelle was asked to prepare rule amendment language on this issue.

9. Rule Amendments: The Committee decided to hold discussion on proposed amendment to Rule 9 until the next meeting.
10. Committee Project List: An updated list of Committee Projects was distributed to the Committee. The Committee discussed what projects to begin working on next and decided to focus on the exit surveys and juror debriefing. Michelle was asked to bring sample exit surveys to the next meeting for the Committee.
11. Report from NCSC Jury Management Conference: Michelle reported to the Committee that during the Jury Management Conference the following topics were discussed: Automation, Disqualifications, Deferral, Juror Care, Juror Management, Outreach, Statistics, and Exit

Questionnaires. Michelle gave the Committee a brief overview of the main points of interest in each topic area.

12. Other Business: Relevant cases and news articles were provided to the Committee. Michelle gave a brief overview of some of the articles. The Committee asked Michelle to prepare rule language concerning jurors being able to discuss the case prior to deliberations for the next meeting.

13. Next Meeting: April 16, 2004 at 10:00 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman